

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

EVELYN CABELL and
BILLY CABELL, her son,
Plaintiffs,

vs.

Civil Action No. 2:20-CV-00507
Hon. Joseph Goodwin

**CMH HOMES, INC., CMH
MANUFACTURING, INC., and
SOUTHERN OHIO CONSTRUCTION, LLC,**
Defendants.

**CMH HOMES, INC. AND CMH MANUFACTURING, INC.’S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Defendant CMH Homes, Inc. (“CMH Homes”) and CMH Manufacturing, Inc. (“CMH Manufacturing”) and moves this Honorable Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment on all claims alleged against it by Plaintiffs Evelyn Cabell and Billy Cabell (referred to collectively, “the Cabells” or “Plaintiffs”).

The following exhibits are attached hereto as referenced by Memorandum in Support of CMH Homes, Inc. and CMH Manufacturing, Inc. Motion for Summary Judgment:

Exhibit	Name
1	Deposition of Billy Cabell
2	Power of Attorney for Evelyn Cabell
3	Emails Negotiation and Reduction for Installation
4	Sales Agreement
5	Installation Agreement
6	Delivery Invoice
7	Email Settlement Offer C Hemphill to B. Cabell
8	J. Dials Declaration
9	Emails from B Cabell to CMH re Estimates
10	E. Cabell Checks for Payment
11	Emails from B Cabell to SOC meetings and contacts

12	WV DOL Gen Contractor License Search Results
13	WV OH MH Contractor License Search Results
14	WV and Ohio SOS Search Results
15	Certificate of Principal Use

WHEREFORE, CMH Homes, Inc. and CMH Manufacturing, Inc. respectfully requests that this Honorable Court grant them both summary judgment on all the Cabells' claims in the Amended Complaint.

**CMH HOMES, INC. and
CMH MANUFACTURING, INC.,
BY COUNSEL**

s/Jason Stemple
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**IN THE UNITED STATES DISTRICT COURT
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CHARLESTON DIVISION**

EVELYN CABELL and
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v.

Civil Action No. 2:20-cv-507
Judge: Joseph R. Goodwin

CMH HOMES, INC.,
et al,
Defendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing CMH HOMES, INC. AND CMH MANUFACTURING, INC.'S MOTION FOR SUMMARY JUDGMENT was served upon counsel of record on August 3, 2021, by filing the pleading and papers with the Clerk of the Court for the United States District Court for the Southern District of West Virginia, Charleston Division, using the CM/ECF System, which will send notification of such filing to counsel of record as follows:

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